

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL LYNCH,

Plaintiff,

v.

TRENDWEST RESORTS, INC., *et al.*,

Defendants.

Case No. C05-0996L

ORDER DENYING MOTION  
FOR RECONSIDERATION

This matter comes before the Court on plaintiff's motion for reconsideration (Dkt. #22) of this Court's January 6, 2006 order granting defendants' motion to dismiss (Dkt. #21, the "Order").

"Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Local Rule 7(h). Plaintiff has not shown manifest error in the Order. Instead, plaintiff reiterates the arguments he made in response to defendants' motion to dismiss.

Plaintiff also attaches two cases to his motion, but neither is new authority. Both cases were decided before plaintiff filed this case. Plaintiff also cites Viscase Corp. v. American Nat'l Can Co., 979 F. Supp. 697 (N.D. Ill. 1997) for the proposition that perjured testimony

1 “require[s] a new trial.” Plaintiff’s Motion at p. 6 (emphasis in original). The Viscase case is  
2 not new authority, and it involved a Fed. R. Civ. P. 60 motion for a new trial, not a newly filed  
3 lawsuit following an unsuccessful Rule 60 motion. Finally, plaintiff argues that a 2004 Ninth  
4 Circuit case altered the “legal standard for determining nexus to profits in a copyright  
5 infringement situation,” and he should have the opportunity to have all of the evidence evaluated  
6 under the new standards. Plaintiff’s Motion at p. 8 (citing Polar Bear Productions Inc. v. Timex  
7 Corp. 72 USPQ2d 1289 (9th Cir. 2004)). The Polar Bear case is not new authority, and plaintiff  
8 cited it in his response memorandum. Furthermore, the evolution of legal standards does not  
9 require a new trial.

10 Because plaintiff has not shown manifest error in the Order or new facts or legal  
11 authority, the Court DENIES plaintiff’s motion for reconsideration (Dkt. #22).

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13 DATED this 20th day of January, 2006.

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16 Robert S. Lasnik  
17 United States District Judge  
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